

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Dallas Division**

ASSOCIATED RECOVERY, LLC,
Plaintiff,

v.

JOHN DOES 1-44, et. al.,
Defendants.

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Case No. 3:16-CV-1025-L
*(Consolidated with Civil Action Nos.
3:17-CV-424-L and 3:17-CV-651-L)*

**PLAINTIFF’S AND PLAINTIFF’S COUNSEL’S OPPOSED
MOTION FOR SUBSTITUTION AND WITHDRAWAL OF COUNSEL
AND MOTION TO EXTEND DEADLINE**

TO THE HONORABLE COURT:

COMES NOW, Plaintiff Associated Recovery, LLC, its counsel of record, Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy & Grandinetti, Luiz Felipe Oliveria, Anthony Farmer, the law firm, The Farmer Law Group, and Jack T. Jamison, and would show the Court the following:

1. Two other civil actions – Northern District of Texas, Dallas Division, Civil Action Nos. 3:17-CV-424-L and 3:17-CV-651-L – were consolidated into this civil action, which is Northern District of Texas, Dallas Division, Civil Action No. 3:16-CV-1025-L. *See* Dkt. 94. The first of those two other civil actions had originally been filed in the United States District Court for the Eastern District of Virginia and then transferred to the United States District Court for the Northern District of Texas, Dallas Division. *See* Dkt. 75. The second of those other civil actions had originally been filed in the United States District Court for the Eastern District of Texas, Marshall Division (wherein it was Civil Action No. 2:16-cv-126-JRG-RSP), and then transferred

to the United States District Court for the Northern District of Texas, Dallas Division. *See* Dkt. 130 in Civil Action No. 2:16-cv-126-JRG-RSP in the United States District Court for the Eastern District of Texas, Marshall Division.

2. On February 8, 2017, Associated Recovery, LLC's counsel of record, Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy & Grandinetti, and Luiz Felipe Oliveira filed a motion to withdraw in Civil Action No. 2:16-cv-126-JRG-RSP in the United States District Court for the Eastern District of Texas, Marshall Division. *See* Dkt. 134 in Civil Action No. 2:16-cv-126-JRG-RSP in the United States District Court for the Eastern District of Texas, Marshall Division. Before the consolidation of such Civil Action No. 3:17-cv-651-L into this Civil Action No. 3:16-CV-1025-L, the Court granted Luiz Felipe Oliveira's and Levy & Grandinetti's motion to withdraw. *See* Dkt. 151 in Civil Action No. 3:17-CV-651-L.

3. On March 17, 2017, Associated Recovery, LLC's counsel of record, Rebecca Stempien Coyle and the law firm, Levy & Grandinetti, filed a motion to withdraw in Civil Action No. 3:17-cv-424-L in the United States District Court for the Northern District of Texas, Dallas Division. *See* Dkt. 91 in such Civil Action No. 3:17-cv-424-L. Ms. Coyle intended such motion to include a request for the withdrawal of Paul Grandinetti as well, as Mr. Grandinetti was one of the "counsel of record for the Plaintiff, Associated Recovery, LLC" seeking to withdraw. Before the consolidation of such Civil Action No. 3:17-cv-424-L into this Civil Action No. 3:16-CV-1025-L, the Court granted Ms. Coyle's and Levy & Grandinetti's motion to withdraw. *See* Dkt. 98 in Civil Action No. 3:17-CV-424-L.

4. On March 17, 2017, Associated Recovery, LLC's counsel of record, Rebecca Stempien Coyle, Paul Grandinetti, and the law firm, Levy & Grandinetti, also filed a motion for leave to

file certain documents related to the motion to withdraw referenced in the preceding paragraph of this motion (i.e., Dkt. 91 in such Civil Action No. 3:17-cv-424-L) under seal, and those documents were attached to such motion for leave to file certain documents under seal. *See* Dkt. 92 in such Civil Action No. 3:17-cv-424-L.

5. On March 31, 2017, Associated Recovery, LLC's counsel of record, Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy & Grandinetti, Anthony Farmer, the law firm, The Farmer Law Group, filed a motion to withdraw in this Civil Action No. 3:16-CV-1025-L. *See* Dkt. 113. On April 3, 2017, the Court denied such motion without prejudice stating:

After Plaintiff obtains substitute counsel, the court will reconsider this request upon the filing of a motion by Plaintiff to withdraw and substitute counsel.

See Dkt. 115.

6. Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy & Grandinetti, Luiz Felipe Oliveira, Anthony Farmer, and the law firm, The Farmer Law Group, hereby adopt and incorporate each statement in the above-referenced motions to withdraw, the declaration of Luiz Felipe Oliveira filed in support of the above-referenced motion to withdraw filed on February 8, 2017, and the two documents attached to the motion for leave to file under seal filed on March 17, 2017 (i.e., Dkts. 134 and 134-1 in Civil Action No. 2:16-cv-126-JRG-RSP in the United States District Court for the Eastern District of Texas, Marshall Division, Dkts. 91 and 92 in Civil Action No. 3:17-cv-424-L in the United States District Court for the Northern District of Texas, Dallas Division, and Dkt. 113 in this Civil Action No. 3:16-CV-1025-L) by reference into this motion.

7. Plaintiff Associated Recovery, LLC has requested Jack T. Jamison to represent it in this civil action, and, subject to the Court granting this motion, Mr. Jamison has agreed to do so. Mr. Jamison was licensed by the Supreme Court of the State of Texas as an attorney and counselor at law in November of 1984. Mr. Jamison was admitted to practice as an attorney in the United States District Court for the Northern District of Texas in 1985, in the United States District Court for the Western District of Texas around 1990, in the United States Court of Appeals for the Fifth Circuit in 1998 (and, as his membership had lapsed, Mr. Jamison was admitted in the United States Court of Appeals for the Fifth Circuit again in 2014), and in the United States District Court for the Southern District of Texas in late 2009 or early 2010. Mr. Jamison has been permitted to appear and represent parties as an attorney in the United States District Court for the Eastern District of Texas, in the United States Bankruptcy Court for the District of Delaware, and in state trial courts in the State of Montana by orders of those Honorable Courts.

8. Moreover, Mr. Jamison has continuously resided in and maintained his only law office in the Northern District of Texas, Dallas Division since September 20, 1985, as well. Mr. Jamison's address, telephone numbers, and email address are set forth in this motion below his signature. Mr. Jamison is a registered user of ECF utilizing that email address.

9. Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy & Grandinetti, Luiz Felipe Oliveira, Anthony Farmer, and the law firm, The Farmer Law Group, wish to withdraw as counsel for Plaintiff Associated Recovery, LLC, and Plaintiff Associated Recovery, LLC has consented to such withdrawal.

10. Neither the substitution of Jack T. Jamison as counsel for Plaintiff Associated Recovery, LLC, nor the withdrawal of Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy &

Grandinetti, Luiz Felipe Oliveira, Anthony Farmer, and the law firm, The Farmer Law Group as counsel for Plaintiff Associated Recovery, LLC is sought for delay only, and good cause exists for the substitution and withdrawal. More specifically, good cause exists to permit the withdrawal, as asserted in the motions to withdraw and supporting materials referenced *supra* paragraph 6 of this motion.

11. On March 23, 2017, this Honorable Court ordered Plaintiff Associated Recovery, LLC to file an amended complaint by April 24, 2017. *See* Dkt. 96. Pursuant to Rules 6(b)(1)(A) and 16(b)(4) of the Federal Rules of Civil Procedure, Plaintiff Associated Recovery, LLC, its counsel of record, Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy & Grandinetti, Luiz Felipe Oliveira, Anthony Farmer, the law firm, The Farmer Law Group, and Jack T. Jamison, respectfully request this Honorable Court to extend such deadline to file Plaintiff Associated Recovery, LLC's amended complaint 30 additional days (i.e., from April 24, 2017, to May 24, 2017) for good cause discussed *infra* in this motion.

12. Rebecca Stempien Coyle and Paul Grandinetti of the law firm, Levy & Grandinetti, have prepared multiple drafts of Plaintiff Associated Recovery, LLC's amended complaint for review by representatives of Plaintiff Associated Recovery, LLC during the course of the past several weeks. Counsel for Plaintiff Associated Recovery, LLC, on the one hand, and representatives of Plaintiff Associated Recovery, LLC, on the other, have been unable to reach an agreement as to the substance of the amended complaint.

13. If this Honorable Court permits Jack T. Jamison to substitute in as counsel for Plaintiff Associated Recovery, LLC, Mr. Jamison would certainly prefer to be prosecuting claims asserted in an amended complaint he prepared. Although Mr. Jamison has some familiarity with the

claims asserted in Plaintiff Associated Recovery, LLC's currently existing complaint from Civil Action No. 2:16-cv-126-JRG-RSP in the United States District Court for the Eastern District of Texas, Marshall Division,¹ he is not yet sufficiently knowledgeable about the factual and legal issues to certify to the matters set forth in Rule 11(b) of the Federal Rules of Civil Procedure by signing an amended complaint. Extending the deadline 30 days would permit Mr. Jamison sufficient time to conduct the "inquiry reasonable under the circumstances" (as that concept is used in the context of such Rule 11(b)) and prepare a well-pleaded amended complaint.

14. The granting of the requested extension will not materially delay the proceedings in this civil action or the resolution of the claims asserted in this civil action.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Associated Recovery, LLC, its counsel of record, Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy & Grandinetti, Luiz Felipe Oliveria, Anthony Farmer, the law firm, The Farmer Law Group, and Jack T. Jamison respectfully request this Honorable Court to:

1. Permit the substitution of Jack T. Jamison as counsel for Plaintiff Associated Recovery, LLC, and the withdrawal of Rebecca Stempien Coyle, Paul Grandinetti, the law firm, Levy & Grandinetti, Luiz Felipe Oliveria, Anthony Farmer, the law firm, The Farmer Law Group as its counsel;
2. Extend the deadline for Plaintiff Associated Recovery, LLC to file its amended complaint from April 24, 2017, to May 24, 2017; and

¹ In January and February of 2017, Mr. Jamison assisted counsel for Plaintiff Associated Recovery, LLC with the preparation of responses to two separate motions filed in that civil action in the Eastern District of Texas.

3. Grant such other relief, both special and general, at law and in equity to which they are justly entitled.

Respectfully submitted,

/s/ Anthony Farmer
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CERTIFICATE OF CONFERENCE

On April 21, 2017, I sent an email to counsel for each Defendant in this civil action inquiring as to whether the relief requested in this motion would be opposed. Numerous counsel replied to such email and each counsel who did so reply stated that the granting of the substitution and withdrawal of counsel aspects of this motion was unopposed, but that the granting of the requested extension was opposed. However, I do not believe that counsel for each Defendant in this civil action replied to such email, and therefore, I must presume that even the granting of the substitution and withdrawal of counsel aspects of this motion are in fact opposed.

Certified on this 24th day of April, 2017 by:

/s/ Paul Grandinetti
PAUL GRANDINETTI

CERTIFICATE OF SERVICE

On the 24th day of April, 2017, a true and correct copy of the foregoing document was electronically submitted to the Clerk of Court for the United States District Court for the Northern District of Texas, using the ECF system. I hereby certify that I have served the lead counsel for each Defendant through the Court's electronic filing and service system.

/s/ Jack T. Jamison
JACK T. JAMISON